

REMARKS

Claims 20, 27-29 and 36-38 have been amended to clarify the invention, and to better define the invention over the prior art. Claims 21 and 24 have been amended to employ more idiomatic English. No new matter has been entered by any of the foregoing amendments.

Turning to the art rejections, and considering first the rejection of claims 20-34 under 35 USC §102 (b) as being anticipated by US Patent No. 5,404,580 to Simpson et al., independent claim 20, as amended requires, in part:

“a test program execution unit, for testing the communication protocol, including an internal collection mechanism for communicating with said mobile communication terminal to collect information from said mobile communication terminal relating to an internal state of said mobile communication terminal during execution of a communication protocol sequence”.

Simpson et al. does not teach these features.

First, Simpson et al. does not teach a test program execution unit for testing the communication protocol. Simpson et al. merely teaches a removable memory means for storing radio function selecting information and a radio user validation code. (Abstract)

Second, Simpson et al. does not teach “an internal collection mechanism... to collect information from said mobile communication terminal relating to an *internal state* of said mobile communication terminal.” Rather, Simpson et al. teaches a memory that is pre-programmed, or user programmed via a keypad, in order to activate/deactivate the radiotelephone functions (e.g. outgoing calling, incoming answering, abbreviated dialing, etc.), and to store personal preferences to customize the operation of the unit (vibratory warning, language display, etc.). (col. 4, lines 16-25, 40-48; col. 7, lines 1-4). Applicant’s specification defines “internal state information” as information about “the internal

operation states that occur in the process of the communication protocol sequence". (Applicant's specification page 17, lines 13-16). Simpson et al.'s pre-programmed radiotelephone functions and personal preferences are not internal operation states that occur in the process of the communication protocol sequence, and therefore, the radiotelephone functions and preferences that are "collected" by the memory of Simpson et al. can in no manner be said to "relat[e] to an internal state of said mobile communication terminal," as required by Applicant's independent claim 20.

Finally, Simpson et al. does not teach the collection of internal state information "during execution of a communication protocol sequence." The term "communication protocol sequence" refers to a sequence of protocol information communicated or simulated between two devices (e.g., mobile communication terminal and base station), as evidenced throughout Applicant's Specification. (See e.g., p. 3, lines 11-17). In Simpson et al., however, the "collection" of the programmed activated/deactivated radiotelephone functions and personal preferences by the memory in Simpson et al. does not occur during execution of a communication protocol sequence between two devices, but rather occurs when the user/programmer manually activates/deactivates the functions, or edits personal preferences, via the keypad. (col. 4, lines 22-25; col. 6, lines 64-66). For each of the foregoing reasons, as well as additional deficiencies, Simpson et al. cannot be said to anticipate claim 20.

Independent claim 27, as amended, requires, in part, "an internal acquisition mechanism for acquiring information, *in response to commands from said external module*, from said mobile communication terminal relating to an internal state of said mobile communication terminal during execution of a communication protocol sequence."

See page 15, lines 3-8 of the instant specification in which an embodiment of an internal

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acquisition mechanism is discussed. As discussed supra, Simpson et al. does not teach the acquisition of information relating to an internal state of the mobile communication terminal. Moreover, Simpson et al. fails to teach an internal acquisition mechanism that acquires information *in response to commands from said external module*. The Examiner cites "the internal control logic attached to the keypad" of Simpson et al. as teaching the acquisition mechanism; however, in Simpson et al. the internal control logic is controlled by the keypad (which in turn is controlled by the user) rather than being controlled by the external module, as required by independent claim 27. Therefore, claim 27 cannot be said to be anticipated by Simpson et al.

Similar comments apply to independent claims 28 and 29, as amended, which both also require the internal acquisition of information, *in response to commands from said external module*, from said mobile communication terminal. As noted supra, Simpson et al. is cited as teaching the acquisition of information by the control logic in response to keypad input. Thus, claims 28 and 29 cannot be said to be anticipated by Simpson.

Claims 21-26, and 30-34 depend directly or indirectly on independent claims 20 and 29, respectively, and are allowable over Simpson for the same reasons above adduced relative to claims 20 and 29, as well as for their own additional limitations.

Turning to the rejection of claims 35-38 under 35 USC §103(a) as being unpatentable over US Patent No. 5,404,580 to Simpson et al. in view of US Patent No. 6,697,604 to Rimpelä et al., independent claim 35 requires, in part:

"a test program execution unit for performing test programs; an internal collection mechanism for communicating with said mobile communication terminal to collect information from said mobile communication terminal relating to an internal state of said mobile communication terminal during execution of test programs on said test program execution unit".

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Claim 35 contains many of the same limitations as claim 20, and the deficiencies of Simpson et al. vis-à-vis independent claim 20, as noted supra, apply equally to claim 35. Namely, Simpson et al. does not disclose: a *test program execution unit* for performing test programs; and the collection of information relating to an *internal state* of the mobile communication terminal. The Examiner's reliance on the primary reference, Simpson et al., for disclosing these features is thus in error. Moreover, Rimpela et al. does not supply the teachings missing from Simpson et al. to render obvious Applicant's claim 35. The Examiner erroneously cites Rimpela et al. as "disclosing collecting during execution of test programs on said test program execution unit." Nowhere does Rimpela et al. disclose collecting during execution of test programs on the test program execution unit, which is a component of the external module as required by claim 35. One of the primary objects of Applicant's invention is to avoid the need of a separate testing apparatus when performing communications tests. (See e.g., Applicant's Specification p. 5-6). Claim 35 requires the collection of information on the test program execution unit, which is a component of the external module, during the execution of test programs. Rimpela et al., on the other hand, teaches communications testing with the use of a separate testing apparatus, wherein the testing apparatus communicates with the mobile station. (col. 8, lines 7-11; col. 9, lines 7-10; col. 9, lines 16-18). Rimpela et al. does not teach the collection of information on the test program execution unit. For the foregoing reasons, as well as additional limitations, no combination of Simpson et al. and Rimpela et al. can achieve or render obvious Applicant's independent claim 35.

Independent claims 36 and 37, as amended, both require, in part, "an internal acquisition mechanism for acquiring information, *in response to commands from said external module*, from said mobile communication." And, independent claim 38 requires,

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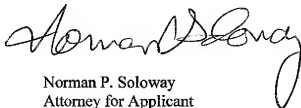
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in part, "internally acquiring, *in response to commands from said external module*, from said mobile communication terminal, information..." Claims 36, 37, and 38 also contain similar limitations as those contained in independent claims 20, 27, and 35. The deficiencies of Simpson et al. vis-à-vis independent claims 20, 27, and the deficiencies of the combination of Simpson et al. with Rimpela et al. as applied to claim 35, have been discussed above and apply equally here. The secondary reference Rimpela et al. does not supply the missing teachings to suggest to one skilled in the art to modify Simpson et al. in a manner that would achieve Applicant's claims. Moreover, no combination of Simpson et al. and Rimpela et al. teaches "internally acquiring, *in response to commands from said external module...*". For the foregoing reasons, as well as other limitations, no combination of Simpson et al. and Rimpela et al. would achieve render obvious any of claims 36-38.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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